



# NEWS RELEASE

## APACHE COUNTY SUPERIOR COURT

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November 19, 2009

### **Motion for Change of Judge Granted**

**ST. JOHNS** – At a hearing held late yesterday afternoon, Navajo County Superior Court Judge Tom Wing heard oral argument in the case involving a St. Johns juvenile charged with Negligent Homicide. Judge Wing appeared in the Apache County Superior Court solely to hear the juvenile's Motion for Change of Judge for Cause. The Motion was not opposed by the State.

In his motion, pursuant to Rule 2 of the Rules of Procedure for the Juvenile Court, defense attorney Ronald Wood asked that Judge Pro Tem Michael P. Roca be disqualified from hearing the case. Citing comments made by the judge at an October 22, 2009 hearing, Wood asserted the existence of a bias against the juvenile that would prevent the juvenile from getting a fair and impartial hearing on any matter that comes before Judge Roca.

After hearing statements from counsel, Judge Wing reminded the attorneys that the only issue before him was the Motion for Change of Judge. He stated that prior rulings in the case were a matter of judicial discretion and did not indicate a bias. He went on to say that he had reviewed the transcript of the October 22 hearing and found sufficient grounds to disqualify Judge Roca under Rule 2. The most controlling factor was conversations between the Judge and juvenile probation department staff. Contributing to Judge Wing's decision to grant the Motion were statements made at Judge Roca's direction to the County Attorney's Office.

The case has been returned to Presiding Judge Donna J. Grimsley for reassignment to another judge.

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